

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES HOLBROOK,

Petitioner,

Case No. 2:20-cv-11544

Hon. Sean F. Cox

v.

WARDEN,

Respondent.

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**ORDER SUMMARILY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS,
DENYING CERTIFICATE OF APPEALABILITY, AND DENYING PERMISSION TO
PROCEED ON APPEAL *IN FORMA PAUPERIS***

Michigan prisoner Charles Holbrook filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Because Petitioner has on numerous occasions filed impermissible successive habeas petitions and is now an enjoined filer, the Court will dismiss the case with prejudice.

Petitioner was convicted in 2010 in the Kent Circuit Court of two counts of producing child sexually abusive material, two counts of allowing a child to engage in sexually abusive activity, two counts of possessing child sexually abusive material, accosting a child for immoral purposes, felon in possession of a firearm, and being a third habitual offender. Petitioner claims that there is no evidence that he committed a crime. It is the single claim he has repeated in his enumerable habeas petitions. It is also untrue. Ample evidence supported Petitioner's convictions. *See People v. Holbrook*, 2011 WL 5064266, *1-4 (Mich. Ct. App. Oct. 25, 2011) (unpublished).

Petitioner's initial habeas petition challenging his convictions was denied on the merits. *See Holbrook v. Rapelje*, No. 2:13-cv-13137, 2016 U.S. Dist. LEXIS 189160 (E.D. Mich. April 1, 2016) (Friedman, J.). Since then, Petitioner has filed many successive habeas petitions, and

they all have been transferred to the Sixth Circuit pursuant to 28 U.S.C. § 2244(b)(3) for that court to determine whether to grant Petitioner permission to file a successive habeas petition. The Sixth Circuit has repeatedly denied Petitioner authorization. *See In re Holbrook*, No. 18-2109, 2019 U.S. App. LEXIS 4730 (6th Cir. Feb. 15, 2019); *In re Holbrook*, No. 17-2242, 2018 U.S. App. LEXIS 7196 (6th Cir. Mar. 21, 2018); *In re Holbrook*, No. 17-2327, 2018 U.S. App. LEXIS 7192 (6th Cir. Mar. 21, 2018); *In re Holbrook*, No. 17-1950, 2018 U.S. App. LEXIS 67 (6th Cir. Jan. 2, 2018); *In re Holbrook*, No. 17-1839, 2018 U.S. App. LEXIS 64 (6th Cir. Jan. 2, 2018); *In re Holbrook*, No. 17-1540, 2017 U.S. App. LEXIS 19555 (6th Cir. Oct. 5, 2017); *In re Holbrook*, No. 17-1518, 2017 U.S. App. LEXIS 19045 (6th Cir. Oct. 2, 2017); *In re Holbrook*, No. 17-1444, 2017 U.S. App. LEXIS 19044 (6th Cir. Oct. 2, 2017).

Petitioner has also attempted unsuccessfully to challenge his conviction under 42 U.S.C. § 1983. *See Holbrook v. Pols*, 17-292, 2017 U.S. Dist. LEXIS 143300, 2017 WL 3821487 (W.D. Mich. May 18, 2017); *Holbrook v. Pols*, No. 16-237, 2017 U.S. Dist. LEXIS 143303 (W.D. Mich. Jan. 30, 2017); *Holbrook v. Pols*, No. 16-1151, 2016 U.S. Dist. LEXIS 176450, 2016 WL 7383400 (W.D. Mich. Dec. 21, 2016); *Holbrook v. Redford*, No. 16-829, 2016 U.S. Dist. LEXIS 148880, 2016 WL 6275338 (W.D. Mich. Oct. 27, 2016); *Holbrook v. Pols*, No. 16-118, 2016 U.S. Dist. LEXIS 189409 (W.D. Mich. June 24, 2016); *Holbrook v. Pols*, No. 16-78, 2016 U.S. Dist. LEXIS 189414 (W.D. Mich. May 31, 2016); *Holbrook v. Haehnel*, No. 16-19, 2016 U.S. Dist. LEXIS 38207, 2016 WL 1156598 (W.D. Mich. Mar. 24, 2016); *Holbrook v. Pols*, No. 15-170, 2016 U.S. Dist. LEXIS 15520, 2016 WL 491254 (W.D. Mich. Feb. 9, 2016).

Because of these repeated filings, the Honorable Laurie J. Michelson ruled that Petitioner was an abusive filer and enjoined him from filing any additional cases in the Eastern District of Michigan without first securing permission from the Sixth Circuit to file a successive petition, or

permission from the Chief Judge of our district to file any pleading which otherwise challenges his conviction. *See Holbrook v. State of Michigan*, No. 2:20-10205 (E.D. Mich. June 15, 2020) (ECF No. 41).

Petitioner has failed to obtain the permission required under Judge Michelson's order to proceed with this case. Because he is enjoined from filing this petition for writ of habeas corpus, the Court will dismiss it with prejudice. *See e.g., Edwards v. Johns*, 450 F. Supp. 2d 755, 757 (E.D. Mich. 2006) (collecting cases).

IT IS THEREFORE ORDERED, that the petition for a writ of habeas corpus is **DISMISSED WITH PREJUDICE**;

IT IS FURTHER ORDERED, that a certificate of appealability is **DENIED** because Petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

IT IS FURTHER ORDERED, that permission to appeal in *forma pauperis* is **DENIED** because any appeal of this order would be frivolous. 28 U.S.C. § 1915(a)(3).

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: July 9, 2020